

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ROBERT HILL,

Plaintiff,

v.

DONALD SELSKY, et. al,

Defendants.

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DECISION & ORDER

06-CV-6043L

By Order dated February 24, 2006, this matter was referred to the undersigned for the supervision of pre-trial discovery and the hearing and disposition of all non-dispositive motions, pursuant to 28 U.S.C. §§ 636(b)(A) and (B). (Docket # 6).

Plaintiff Robert Hill filed a *pro se* complaint in this matter on January 20, 2006, against defendants Donald Selsky and G.E. Wilcox. (Docket # 1). By Order dated January 31, 2006, Hill was permitted to proceed *in forma pauperis*, and the United States Marshal was directed to serve a copy of the summons and complaint upon the two named defendants. (Docket # 3). A review of the Court's docket reveals that service was made upon defendant Selsky on February 24, 2006. (Docket # 7). Defendant Wilcox has yet to be served with the Complaint.

Currently pending is Hill's motion for "an order directing the Marshal to make a second attempt to serve the defendant G.E. Wilcox." (Docket # 8). In the affidavit submitted in support of his motion, Hill affirms that service was previously attempted upon Wilcox at the wrong address. Hill further provides the address for the Southport Correctional Facility,

identifying it as the “corrected address” for Wilcox. (Docket # 8, Hill Affidavit). Following the receipt of Hill’s motion, the Court was advised by the United States Marshals Service that service of the summons and complaint had been attempted upon Wilcox at the Southport Correctional Facility. Thus, any order directing a subsequent attempt would likely be futile. Accordingly, Hill’s motion to compel **(Docket # 8)** is **DENIED**.

This Court has, however, been advised by counsel for the defendants that the individual identified as G.E. Wilcox is currently employed at the Groveland Correctional Facility. If Hill would like service to be attempted upon Wilcox at that facility, he must submit a new Marshals Service form, as well as a copy of the summons and complaint. Moreover, upon this Court’s finding of good cause for the delay, and pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, the deadline for service of the summons and complaint upon the defendant identified as G.E. Wilcox is hereby extended until May 12, 2006.

**IT IS SO ORDERED.**

*s/Marian W. Payson*

MARIAN W. PAYSON  
United States Magistrate Judge

Dated: Rochester, New York  
April 11, 2006.